

Application No. 10/066994
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Amendment
Attorney Docket No. S63.2B-9090-US01

REMARKS

This Amendment is in response to the Office Action dated May 3, 2005. Each issue is discussed below.

§112 Rejections

It is asserted in the rejection that claims 64 and 65 recite the limitation "the retaining sleeve" without providing proper antecedent basis.

In response, Applicant has amended the claims to remove the antecedent basis issue.

§102 Rejections

Claims 61, 63, 65, 67-68, 70 74 were rejected under 35 USC §102(b) as being anticipated by Crittenden (US 5290247).

Although Applicant disagrees with the rejection, independent claim 61 has been amended to further distinguish it from the cited reference. Withdrawal of the rejection is respectfully requested.

§103 Rejections

Claims 64, 69 and 71-72 were rejected under 35 USC §103(a) as being unpatentable over Holman et al. (US 6837897) in view of Crittenden (US 5290247).

In response, Applicant asserts that, under 35 USC §103(c), Holman et al. (US 6837897) can not be used as prior art because, as conspicuously stated below, the rejected claimed invention of the present application and Holman et al. (US 6837897) were owned by the same entity or subject to an obligation of assignment to the same entity at the time of invention.

Common Ownership Statement Under §103(c)

The invention defined by claims 64, 69 and 71-72 and Holman et al. (US 6837897) were, at the time the invention defined in the cited claim was made, owned by or subject to an obligation of assignment to the same entity.

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The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited. If the Examiner wishes to discuss further issues, he is invited to contact the undersigned.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 2, 2005

By: 

William E. Anderson II
Registration No.: 37766

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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77. (Withdrawn) The catheter of claim 75, wherein the heat shrinkable sleeve forms a distal tip.
78. (Withdrawn) The catheter of claim 75, wherein the at least a portion of the heat shrinkable sleeve is attached to the catheter.
79. (Withdrawn) The catheter of claim 75, the catheter further comprising a stent loaded on the center portion of the balloon, said stent having a distal end and a proximal end, wherein the heat shrinkable sleeve extends over a portion of the stent.
80. (Withdrawn) The catheter of claim 79, wherein the heat shrinkable sleeve extends over the proximal portion of the balloon.
81. (Withdrawn) The catheter of claim 79, wherein the heat shrinkable sleeve comprises perforations, such that when the balloon and the stent are expanded, the portion of the heat shrinkable sleeve which covers the stent breaks away with the stent.
82. (Withdrawn) The catheter of claim 75, further comprising a marker band mounted on the inner shaft, within the balloon, and a second heat shrinkable sleeve shrunk around the marker band.
83. (Withdrawn) The catheter of claim 75, wherein the shaft is an outer shaft, wherein the balloon has a proximal end, the proximal end of the balloon being secured to the distal end of the outer shaft, wherein a portion of the heat shrinkable sleeve overlaps the proximal end of the balloon and the distal end of the outer shaft.
84. (Withdrawn) The catheter of claim 83, wherein the outer shaft does not overlap the balloon.
85. (Withdrawn) The catheter of claim 83, wherein the outer shaft and the balloon overlap.
86. (Withdrawn) The catheter of claim 83, further comprising a stent retaining sleeve positioned within the retaining sleeve.
87. (Withdrawn) The method of claim 75, wherein the heat shrinkable sleeve comprises a thermoplastic polymer which is substantially not cross-linked.